



IF(2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: SCOTT E. BOATMAN, et al.

Appln. No.: 10/813,416

Filed: March 30, 2004

For: MEDICAL DEVICE INCLUDING UNITARY,
CONTINUOUS PORTION OF VARYING
DUROMETER

Examiner: unknown

Art Unit:

Attorney Docket No: 8627-453

Mail Stop Amendment
Commissioner for Patents
U.S. Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

☒ Information Disclosure Statement, Form PTO-1449 and required references cited.☐☐☒ Return Receipt Postcard

Fee calculation and payment:

☒ No additional fee is required.☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(____).☐ An additional filing fee has been calculated as shown below:

				Small Entity		or	Other Than Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate		Rate	Add'l Fee
Total		Minus			x \$9=		x \$18=	
Indep.		Minus			x 43=		x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=		+\$290=	
				Total	\$		Total	\$

Fee calculation and payment:

☐ A check in the amount of \$_____ to cover the above-identified fee(s) is enclosed.☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925. A copy of this Transmittal is enclosed for this purpose.

Respectfully submitted,

July 26, 2004

Date

Lawrence G. Almeda (Reg. No. 46,151)

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: July 26, 2004 Name: Lawrence G. Almeda

Signature:

BRINKS
HOFER
GILSON
& LIONEBRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610

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Art Unit:

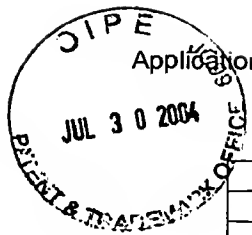
Attorney Docket No: 8627-453

INFORMATION DISCLOSURE STATEMENT

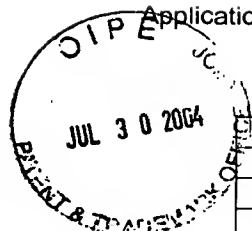
Sir:

In accordance with the duty of disclosure under 37 C.F.R. §1.56, and more particularly in accordance with 37 C.F.R. §1.97(b), Applicant cites the following references (each listed for the Examiner's convenience on the enclosed Form PTO-1449):

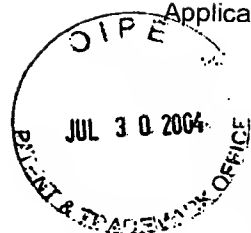
No.	Date of Publication	Patentee/Applicant/Assignee
3,904,519	09/1975	McKinney, Jr. et al.
4,154,244	05/1979	Becker et al.
4,172,859	10/1979	Epstein
4,191,231	03/1980	Winchell et al.
4,212,965	07/1980	Campbell
4,276,250	06/1981	Satchell et al.
4,290,428	09/1981	Durand et al.
4,385,635	05/1983	Ruiz
4,444,816	04/1984	Richards et al.
4,490,421	12/1984	Levy
4,563,181	01/1986	Wijayarathna et al.
4,617,355	10/1986	Gabbert et al.
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4,950,239	08/1990	Gahara et al.
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5,622,665	04/1997	Wang
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5,714,110	02/1998	Wang et al.
5,728,063	03/1998	Preissman et al.
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5,755,690	05/1998	Saab
5,769,817	06/1998	Burgmeier
5,769,830	06/1998	Parker
5,772,641	06/1998	Wilson
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6,596,818	07/2003	Zamore



No.	Date of Publication	Country
9617883	06/1996	WO
9725093	07/1997	WO
9815199	04/1998	WO
0872258	10/1998	EP
9855171	12/1998	WO
9915078	04/1999	WO
9929353	06/1999	WO
9934855	07/1999	WO
9936119	07/1999	WO
0934755	08/1999	EP
9948548	09/1999	WO
0119425	03/2001	WO

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)
Technical Information; Pebax Resins, 33 Series Property Comparison

A copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2) is also enclosed. Applicant respectfully solicits the Examiner's consideration of the listed references and entry thereof into the record of this application.

By submitting this Statement, Applicant is attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

Applicant has calculated no fee to be due in connection with the filing of this Statement. However, the Commissioner is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

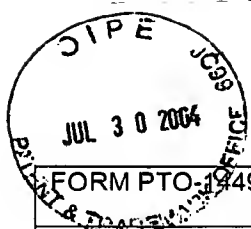
Respectfully submitted,

July 26, 2004

Date

Lawrence G. Almeda (Reg. No. 46,151)
Attorney/Agent for Applicant

Enclosures: Form PTO-1449 (five sheets)
Copies of listed references



FORM PTO-1549	APPLICATION NO. 10/813,416	CASE NO. 8627-453
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE March 30, 2004	ART UNIT
	APPLICANT(S): SCOTT E. BOATMAN et al.	

Sheet 1 of 5

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	3,904,519	09/1975	McKinney, Jr. et al.		
	4,154,244	05/1979	Becker et al.		
	4,172,859	10/1979	Epstein		
	4,191,231	03/1980	Winchell et al.		
	4,212,965	07/1980	Campbell		
	4,276,250	06/1981	Satchell et al.		
	4,290,428	09/1981	Durand et al.		
	4,385,635	05/1983	Ruiz		
	4,444,816	04/1984	Richards et al.		
	4,490,421	12/1984	Levy		
	4,563,181	01/1986	Wijayarathna et al.		
	4,617,355	10/1986	Gabbert et al.		
	4,636,346	01/1987	Gold et al.		
	4,657,024	04/1987	Coneys		
	4,665,557	05/1987	Kamp		
	4,739,768	04/1988	Engelson		
	4,753,980	06/1988	Deyrup		
	4,775,371	10/1988	Mueller, Jr.		
	4,861,830	08/1989	Ward, Jr.		
	4,898,591	02/1990	Jang et al.		

FOREIGN PATENT DOCUMENTS

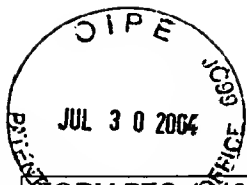
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES	NO
	9617883	06/1996	WO			
	9725093	07/1997	WO			
	9815199	04/1998	WO			
	0872258	10/1998	EP			
	9855171	12/1998	WO			
	9915078	04/1999	WO			

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)
	Technical Information; Pebax Resins, 33 Series Property Comparison

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Sheet 2 of 5	APPLICANT(S): SCOTT E. BOATMAN et al.	

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	4,906,244	03/1990	Pinchuk et al.		
	4,938,676	07/1990	Jackowski et al.		
	4,950,239	08/1990	Gahara et al.		
	4,963,313	10/1990	Noddin et al.		
	4,964,409	10/1990	Tremulis		
	5,017,259	05/1991	Kohsai		
	5,017,325	05/1991	Jackowski et al.		
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	5,045,072	09/1991	Castillo et al.		
	5,049,109	09/1991	Radovic et al.		
	5,085,649	02/1992	Flynn		
	5,147,332	09/1992	Moorehead		
	5,180,376	01/1993	Fischell		
	5,208,269	05/1993	Brown		
	5,221,270	06/1993	Parker		
	5,222,949	06/1993	Kaldany		
	5,222,949	06/1993	Kaldany		
	5,234,416	08/1993	Macaulay et al.		
	5,246,705	09/1993	Venkatraman et al.		
	5,258,160	11/1993	Utsumi et al.		
	5,264,260	11/1993	Saab		
	5,270,086	12/1993	Hamlin		
	5,295,962	03/1994	Crocker et al.		

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES	NO
	9929353	06/1999	WO			
	9934855	07/1999	WO			
	9936119	07/1999	WO			
	0934755	08/1999	EP			
	9948548	09/1999	WO			
	0119425	03/2001	WO			

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REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

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		5,300,048	04/1994	Drewes, Jr. et al.		
		5,304,340	04/1994	Downey		
		5,306,246	04/1994	Sahatjian et al.		
		5,318,587	06/1994	Davey		
		5,328,468	07/1994	Kaneko et al.		
		5,330,428	07/1994	Wang et al.		
		5,338,296	08/1994	Dalessandro et al.		
		5,342,299	08/1994	Snoke et al.		
		5,342,386	08/1994	Trotta		
		5,344,401	09/1994	Radisch et al.		
		5,368,564	11/1994	Savage		
		5,380,304	01/1995	Parker		
		5,385,173	01/1995	Garglulo		
		5,399,164	03/1995	Snoke et al.		
		5,423,764	06/1995	Fry		
		5,423,838	06/1995	Willard		
		5,433,713	07/1995	Trotta		
		5,451,747	09/1995	Sullivan et al.		
		5,454,795	10/1995	Samson		
		5,456,674	10/1995	Bos et al.		
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		5,498,250	03/1996	Prather		
		5,499,975	03/1996	Cope et al.		
		5,507,725	04/1996	Savage et al.		
		5,522,961	06/1996	Leonhardt		
		5,531,715	07/1996	Engelson et al.		
		5,531,715	07/1996	Engelson et al.		
		5,533,985	07/1996	Wang		

FOREIGN PATENT DOCUMENTS

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Sheet 4 of 5	APPLICANT(S): SCOTT E. BOATMAN et al.	

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	5,542,925	08/1996	Orth		
	5,542,937	08/1996	Chee et al.		
	5,545,133	08/1996	Burns et al.		
	5,554,120	09/1996	Chen et al.		
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	5,769,817	06/1998	Burgmeier		
	5,769,830	06/1998	Parker		
	5,772,641	06/1998	Wilson		
	5,792,105	08/1998	Lin et al.		
	5,792,124	08/1998	Horrigan et al.		
	5,795,325	08/1998	Valley et al.		

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Sheet 5 of 5	APPLICANT(S): SCOTT E. BOATMAN et al.	

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	5,797,877	08/1998	Hamilton et al.		
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	5,826,588	10/1998	Forman		
	5,833,657	11/1998	Reinhardt et al.		
	5,836,925	11/1998	Soltesz		
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	5,900,444	05/1999	Zamore		
	5,906,605	05/1999	Coxum		
	5,908,413	06/1999	Lange et al.		
	5,911,715	06/1999	Berg et al.		
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